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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 THOMAS BENSON,)
11 Plaintiff(s),) Case No. 2:17-cv-0447-RFB-NJK
12 vs.) ORDER
13 STATE OF NEVADA, et al.,) (Docket Nos. 83, 88)
14 Defendant(s).)
15 _____)

16 Pending before the Court is a motion to strike filed on an emergency basis by the LVMPD
17 Defendants. Docket No. 83. Numerous other parties have filed joinders thereto. Moreover, the Las
18 Vegas Review Journal Defendants have filed a motion to strike additional documents. Docket No. 88.
19 The Court finds a response from Plaintiff unnecessary, and further finds that the motions to strike are
20 properly resolved without a hearing. *See* Local Rule 78-1.

21 The Court has authority to strike an improper filing under its inherent power to control its docket.
22 *E.g., Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010).¹ “Motions to strike under
23 the inherent power . . . are wholly discretionary.” *Jones v. Skolnik*, 2015 WL 685228, at *2 (D. Nev.
24 Feb. 18, 2015). In deciding whether to exercise that discretion, courts consider whether striking the
25 filing would “further the overall resolution of the action,” and whether the filer has a history of excessive
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27 ¹ Rule 12(f) of the Federal Rules of Civil Procedure provides bases for striking portions of a
28 “pleading.” The underlying documents in this case are not pleadings, so the Court addresses the issue
instead to its inherent authority.

1 and repetitive filing that have complicated proceedings. *Id.* Courts have expressed reluctance at striking
2 material without some showing of prejudice to the moving party. *Cf. Roadhouse v. Las Vegas Metro.*
3 *Police Dept.*, 290 F.R.D. 535, 543 (D. Nev. 2013) (addressing motion to strike brought pursuant to Rule
4 12(f)).

5 The motions at issue seek an order striking the following papers:

- 6 • The “Writ Denying Defendants [sic] Motions” at Docket No. 42;
- 7 • The “Writ of Contempt” at Docket No. 60;
- 8 • The “Writ of Denial” at Docket No. 69;
- 9 • The “Writ of Denial” at Docket No. 79; and
- 10 • The “Ruling and Judgment” at Docket No. 81.

11 Although each of these documents was filed by Plaintiff, they are styled as if they are rulings issued by
12 a court: the documents are purportedly issued by “**The Court**,” are signed by Plaintiff as “Attornatus
13 Privatus” and by Marina Calove as “Superior Court Justice for the united States of America
14 (continental),”² and bear seals for the same. *See, e.g.*, Docket No. 42 at 9 (emphasis in original).

15 The pending motions seek to strike these documents as fake orders from an imagined court that
16 are immaterial to this case. *See, e.g.*, Docket No. 83 at 15. Moreover, the movants have identified
17 prejudice in allowing the material to remain on the docket; namely, that litigants can use such documents
18 to obtain bogus liens on their litigation opponents. *See, e.g., id.* at 2, 15. The Court agrees that the
19 documents are improper and that they should be stricken as an exercise of the Court’s discretion.

20 Accordingly, the motions to strike are both **GRANTED**, and the Clerk’s Office is
21 **INSTRUCTED** to **STRIKE** the papers at Docket Nos. 42, 60, 69, 79, and 81.

22 IT IS SO ORDERED.

23 DATED: June 27, 2017

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NANCY J. KOPPE
United States Magistrate Judge

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27 _____
28 ² Ms. Calove is a *pro se* litigant who has filed her own cases in this District. *See, e.g., Calove v.*
Nationstar Mortgage, LLC, Case No. 2:14-cv-01329-JAD-NJK.